

EASTERN CARIBBEAN SUPREME COURT
COURT OF APPEAL
STATUS HEARING
THE COMMONWEALTH OF DOMINICA
VIDEOCONFERENCE
Monday, 15th November 2021

Case Name: Paul Joseph
v
Bank of Nova Scotia

[DOMHCVAP2014/0017]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. David Bruney
Respondent:	Mr. Kondwani Williams

Issues: Status of matter

Type of Order: Directions

Result: IT IS HEREBY ORDERED THAT:

1. Counsel shall agree to the notes of evidence in this matter and shall file the same on before 10th December 2021.
2. The matter is adjourned to the next status hearing of the court in the Commonwealth of

Dominica scheduled for 11th April 2022, for further report.

Reason: Counsel for the respondent confirmed that he was in receipt of the notes of evidence prepared by the appellant and intended to meet with counsel for the appellant, with a view to finalising the notes of evidence. The Court therefore made the above order.

Case Name: **Joseph Raphael Le Blanc**
v
James S. W. Cyrille
[DOMHCVAP2012/0003]
(Commonwealth of Dominica)

Date: **Monday, 5th November 2021**

Coram: **Mrs. Michelle John-Theobalds, Chief Registrar**

Appearances:
Appellant: **Ms. Noelize Knight Didier**
Respondent: **No appearance**

Issues: **Status of the matter**

Type of Order **Adjournment**

Result / Order: **IT IS HEREBY ORDERED THAT:**

- 1. The matter is adjourned to the next Status Hearing of the Court for the Commonwealth of Dominica scheduled for 11th April 2022 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.**

2. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason:

Counsel on record for the appellant informed the Court that the respondent is deceased. Counsel for the appellant indicated that she no longer represented the appellant but had not yet taken the necessary steps to remove herself from the record.

The appellant despite being served to be present at the Court's Status Hearing of the matter did not attend court.

Case Name:

Ronald Vidal

v

**The Government of the Commonwealth of
Dominica**

**[DOMHCVAP2013/0010]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Bernard Wiltshire

Respondent:

Mrs. Tameka Hyacinth-Burton

Issues:

Status of the matter

Type of Order:

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next Status Hearing of the Court for the Commonwealth of Dominica scheduled for 11th April, 2022 for the appellant to indicate whether he is still interested in prosecuting the appeal or for counsel for the respondent to take whatever steps deemed necessary in relation to this appeal.

Reason: Counsel for the appellant informed the Court that the appellant was not in the jurisdiction, and that she had not made contact with him.

Case Name:

1. Yoland Jno. Jules
2. Valantine Joseph
3. Anselm James LeBlanc
4. John Augustine

v

1. Emmanuel Royer
2. Mona Virginia Royer

(Personally as the court appointed
representative of the first respondent)

[DOMHCVAP2011/0026]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Ms. Noelize Knight Didier
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Respondent:	No appearance
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Issues: Status of the matter

Type of Order

N/A

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is removed from the status hearing list until a representative has been appointed for the respondents.

Reason:

Counsel for the appellant informed the Court that she had conducted searches to determine whether there had been a grant for representation of either of the respondents and that these searches revealed that no such grant had been given. Counsel for the appellant therefore proposed that she would make an application to have the Registrar act as a representative.

Case Name:

Pamela Green-Lander

V

1. Andrew Green

2. Arnold Green

[DOMHCVAP2014/0023]

(Commonwealth of Dominica)

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Ms. Noelize Knight-Didier

Issues:

Status of the matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next Status Hearing of the Court for the Commonwealth of Dominica scheduled for 11th April 2022 to allow the parties to continue with settlement discussions and to advise on how they intend to proceed with the matter.

Reason:

Counsel for the appellant informed the Court that the parties were in settlement discussions, however, not much progress had been made as the appellant was quite ill. Counsel for the respondent intimated to the Court that if the parties were not able to reach a settlement, then the respondent would take the necessary steps for the furtherance of the matter.

Case Name:

Omari Jules

v

The Police

[DOMMCRAP2020/0006]

(Commonwealth of Dominica)

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Ms. Daina Matthew

Issues:

Status of matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause the record of appeal to be prepared and served on the parties by 31st January 2022, failing which an affidavit giving reasons for non-compliance shall be filed.
2. The matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 11th April 2022.
3. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason:

The Record of Appeal has not been received from the Magistrate's Court.

Case Name:

Duane Alonzo

v

The Police

**[DOMMCRAP2021/0001]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Daina Matthew

Issues:

Status of the matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause the record of appeal to be prepared and served on the parties by 31st January 2022, failing which an affidavit giving reasons for non-compliance shall be filed.
2. The matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 11th April 2022.
3. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason:

The Record of Appeal has not been received from the Magistrate's Court.

Case Name:

Ronel Desiree

v

The Police

**[DOMMCRAP2021/0002]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Ms. Daina Matthew

Issues:

Status of matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Chief Magistrate shall cause the record of appeal to be prepared and served on the parties by 31st January 2022, failing which an affidavit giving reasons for non-compliance shall be filed.
2. The matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 11th April 2022.
3. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason: The Record of Appeal has not been received from the Magistrate's Court.

Case Name: Anthony Gifford Reid
v
The Police

[DOMMCRAP2017/0004]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Henry Dyer holding for Mrs. Zena Moore-Dyer

Respondent: Ms. Daina Matthew

Issues: Status of the matter

Type of Order Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. Counsel for the appellant shall inform the Registrar of the High Court in writing of the

specific portions of the Record of appeal which are missing, on or before 30th November, 2021.

2. The Chief Magistrate shall make every effort to provide the missing portions of the record of Appeal on or before 31st January, 2022 or if unable to do so shall file an affidavit giving reasons for the same.
3. The matter is adjourned to the next status hearing of the Court for the Commonwealth of Dominica scheduled for 11th April, 2022.

Reason:

Counsel for the appellant informed the Court that the Registrar of the High Court had been informed by letter, that parts of the Record of Appeal were missing. The Chief Magistrate having received the appellant's complaint from the Registrar of the High Court, indicated that there were no missing parts of the Record of Appeal. However, this matter remains unresolved.

Case Name:

Linden Nareen Lewis

v

The Police

[DOMMCRAP2013/0039]

(Commonwealth of Dominica)

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Henry Dyer holding for Mrs. Zena Moore -Dyer

Respondent:

Ms. Daina Matthew

Issues:

Status of the matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. Upon the Court noting the indication from the Chief Magistrate that that notes of evidence for the proceedings in the court below were totally destroyed by Hurricane Maria, the parties shall meet to settle the notes of evidence to be used in the appeal and shall file the same on or before 31st January 2022.
2. The matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 11th April 2022.

Reason:

Counsel for the appellant informed the Court that the appellant had not yet been in receipt of the Record of Appeal from the Magistrate's Court and that the judge's notes were unavailable due to being destroyed by Hurricane Maria. As such the Court directed that the parties meet to settle the notes of evidence to be used in the appeal before the Court.

Case Name:

Glendel Casey

v

The Police

[DOMMCRAP2014/0012]

(Commonwealth of Dominica)

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Ms. Daina Matthew

Issues:

Status of the matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the Court of Appeal for the Commonwealth of Dominica scheduled for 11th April, 2022 to allow the appellant to be present to indicate whether he is still interested in prosecuting his appeal.
2. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.

Reason:

As there was no appearance by the appellant, the Court adjourned the matter so that the appellant could appear before the Court and indicate whether he is still interested in prosecuting his appeal.

Case Name:

Laudrick Bruno

v

The Police

**[DOMMCRAP2013/0009]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Ms. Daina Matthew

Issues:

Status of the matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. The matter is adjourned to the next Status Hearing of the Court in the Commonwealth of Dominica scheduled for 11th April, 2021 for the appellant to be present to indicate whether he is still interested in prosecuting his appeal.**
- 2. The Registrar of the High Court shall serve a copy of this order on the appellant personally and shall provide proof of service thereafter.**

Reason:

As there was no appearance by the appellant, the Court adjourned the matter so that the appellant could appear before the Court and indicate whether he is still interested in prosecuting his appeal.

Case Name:

Peter Winston

v

The Police

**[DOMMCRAP2013/0011]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

In person

Respondent:

Ms. Daina Matthew

Issues:

Status of the matter

Type of Order

Directions

Result / Order:

IT IS HEREBY ORDERED THAT:

1. The Registrar of the High court shall serve a copy of the Record of Appeal on the appellant on or before 30th November 2021.
2. The respondent shall serve a copy of their written submissions filed on 26th September 2018 on the appellant on or before 23rd November 2021.
3. The appellant is at liberty to file and serve written submissions on or before 31st January, 2022.
4. The matter is fixed for hearing at the next court of appeal sitting for the Commonwealth of Dominica scheduled for 25th April, 2022.

Reason:

Counsel for the respondent indicated to the Court that written submissions had been filed by the respondent. However, these had not been served on the appellant. The Court therefore made the above order.

Case Name:

Stacia Williams

v

The Police

**[DOMMCRAP2017/0007]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

Mr. Henry Dyer holding for Mrs. Zena Moore -Dyer

Respondent: Ms. Daina Matthew

Issues: Status of the matter

Type of Order Directions

Result / Order: IT IS HEREBY ORDERED THAT:

1. The appellant shall serve a copy of the Affidavit of Stacia Williams filed on 29th October 2021, on the respondent on or before 19th November 2021.
2. The Registrar of the High Court shall serve on the Chief Magistrate a copy of the Affidavit of Stacia Williams filed on 29th October 2021, on or before 19th November 2021.
3. The Chief Magistrate shall provide completed reasons for the decision in relation to the findings of the other persons jointly charged with the appellant on or before 31st January 2022, failing which an affidavit providing reasons for non-compliance shall be filed.
4. The matter is adjourned to the next status hearing of the court for The Commonwealth of Dominica scheduled for 11th April 2022.

Reason: The Chief Magistrate informed the appellant that she provided all the information that she had in this matter. However, to progress the matter, the Court made the above directions.

Case Name:

Joanna Vidal

v

- 1. Augustine Auguste**
- 2. Bernard Auguste**

[DOMMCVAP2013/0001]

(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	No appearance
Respondent:	1 st Respondent appearing in person

Issues: Status of the matter

Type of Order N/A

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is fixed for hearing before the full court at the Sitting of the Commonwealth of Dominica on Monday 22nd November 2021.

Reason: The Registrar of the High Court informed the Court that the appellant left the jurisdiction. Aggrieved, the 1st respondent expressed his frustration that he and the 2nd respondent were being deprived of their judgment, and that the appellant has never attended a Status Hearing of the matter. The 1st respondent expressed to the Court his desire for the matter be struck out for want of prosecution. As such matter was fixed for hearing before the Full Court.

Case Name: Joseph Roberts
v
Elick Edwards

[DOMMCVAP2016/0004]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance

Respondent: Mr. Glen Ducreay

Issues: Status of the matter

Type of Order N/A

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is removed from the Status Hearing list pending the determination of the application filed by the respondent on 15th November 2021.
2. The Registrar of the High Court serve a copy of this order on the appellant personally and provide proof of service thereafter.

Reason: An application for the matter to be struck off was filed on 15th November 2021.

Case Name: Lennox Honore
v
1. Hubert Alexander
2. Marcel Copiel

[DOMMCVAP2019/0001]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:	Mr. Glen Ducreay
Respondent:	Mr. Bernard Wiltshire

Issues: Status of the matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

The matter is adjourned to the next Status Hearing of the court for the Commonwealth of Dominica scheduled for 11th April, 2022.

Reason: Counsel for the respondent filed an application to strike out the appeal for want of prosecution and for failing to comply with the Rules of the court. However, counsel for the appellant intimated to the Court that, while he had no objections to the application, the appellant is deceased and he had no instructions from the Estate on how he should proceed. He also informed the Court that there has been no appointment of a representative for the appellant's estate. Counsel for the respondent therefore requested an adjournment so that he could continue to conduct the necessary searches to determine whether a representative was appointed and the next steps in defending this appeal.

Case Name: Lenny Bellot

v

Aminah Simon

**[DOMMCVAP2015/0011]
(Commonwealth of Dominica)**

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant: No appearance, Mr. Stephen Isidore on record

Respondent: Mrs. Cara Shillingford-Marsh

Issues: Status of the matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing for the Commonwealth of Dominica scheduled for 11th April 2022 to allow the appellant to indicate whether he is still interested in prosecuting the appeal or for the respondent to take the necessary steps in relation to the appeal.
2. The Registrar of the High Court shall serve a copy of this order on counsel for the appellant and shall provide proof of service thereafter.

Reason: On a previous occasion counsel for the appellant informed the Court that he was considering discontinuing the matter. However, to date, no notice of discontinuance has been filed in this matter. As such counsel for the respondent intimated his desire to file an application for dismissal for want of prosecution. The Court accordingly adjourned the matter.

Case Name:

**Murphy George
v
Winston Warrington**

**[DOMMCVAP2019/0005]
(Commonwealth of Dominica)**

Date:

Monday, 15th November 2021

Coram:

Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:

Appellant:

No appearance

Respondent:

Mr. Romain Riviere as Attorney for Winston Warrington

Issues:

Status of the matter

Type of Order

Adjournment

Result / Order:

IT IS HEREBY ORDERED THAT:

- 1. Upon the Court noting that the appellant could not be located to be served with the Record of Appeal or the notice of hearing for today, the matter is adjourned to the next Status Hearing of the Court for the Commonwealth of Dominica scheduled for 11th April 2022, for the appellant to indicate whether he is still interested in prosecuting his appeal.**
- 2. The Registrar of the High Court shall serve a copy of the Record of Appeal and this order on the appellant personally and shall provide proof of service thereafter.**

Reason: The respondent has been unable to serve the appellant and the respondent does not know whether the appellant is still interested in prosecuting his appeal.

Case Name: Tino Victor
v
1. Hubert Alexander
2. Marcel Copiel

[DOMMCVAP2018/0004]
(Commonwealth of Dominica)

Date: Monday, 15th November 2021

Coram: Mrs. Michelle John-Theobalds, Chief Registrar

Appearances:
Appellant: Mr. Tiyani Behanzin

Respondent: Mr. Bernard Wiltshire

Issues: Status of the matter

Type of Order Adjournment

Result / Order: IT IS HEREBY ORDERED THAT:

1. The matter is adjourned to the next Status Hearing of the court for the Commonwealth of Dominica scheduled for 11th April, 2022.
2. The Registrar of the High Court shall serve a copy of this order on the parties and shall provide proof of service thereafter.

Reason:

Counsel for the appellant informed the Registrar of the High Court that that there were errors in the notes of evidence and a request was made to the Chief Magistrate to rectify same. Therefore, an adjournment was ordered so that this matter could be resolved.